

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

| TITLE OF CASE | ATTORNEYS |
|---|--|
| <p>THE UNITED STATES</p> <p>vs.</p> <p>RODNEY VANCE HENDERSON</p> | <p>For U. S.:</p> <p>Ben F. Baker</p> <p>For Defendant:</p> <p style="margin-left: 40px;">584-4724</p> <p style="margin-left: 40px;">Tommie Dee Frasier(Appt)</p> <p style="margin-left: 40px;">James Frasier(Ct. Appt.)</p> <p style="margin-left: 40px;">Pythian Bldg.</p> <p style="margin-left: 40px;">Tulsa, Okla. 74103</p> |

| STATISTICAL RECORD | COSTS | | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|--|------------|--|------|---------------------|------|-------|
| J.S. 2 mailed 11-30-72 1-31-72 | Clerk | | | | | |
| J.S. 3 mailed 2-31-72-73 Transp. in interstate commerce of firearms Violation | Marshal | | | | | |
| Title 18 | Docket fee | | | | | |
| Sec. 922(k) | | | | | | |

| DATE | PROCEEDINGS |
|---------|--|
| 1-25-72 | Indictment, filed in open court. hm |
| 1-25-72 | Record vote of the grand jury, filed in open court. hm |
| 1-25-72 | Warrant issued for arrest of deft. hm |
| 2-1-72 | Deft. present in person and represented by Tommy D. Frasier, appearing for Jms.E.Frasier The Govt. represented by Ben F. Baker. Deft. advised of charge and Court Appt is fully apprized. Deft. arraigned and enters a plea of NOT GUILTY. Deft. is given 5 days to file motions; Pltf. is given 3 days to respkr respond--with all motions to be heard by the Magistrate on 2-11-72. Case set on 2-15-72, at 9:30 A.M., Jury Docket. Deft. remanded to U.S. Marshal. (AEB-J)v |
| 2-8-72 | Subpoena to testify, filed and returned. Served Roy Heim in Tulsa,Okla. on 2/3/72. (USM \$2.00) rm |
| 2-8-72 | Subpoenas (2) to testify, filed and returned. (USM \$4.00) rm |
| 2-10-72 | Case set for Jury Trial before Judge Daugherty on Monday, February 14, 1972 (was changed from the 15th of Feb., 1972) (AEB-J)r |
| 2-14-72 | Case passed for Wednesday, February 16, 1972 at 9:30 A.M. (FD-J)r |
| 2-15-72 | Case transferred to Judge Bohanon for Jury Trial, set on Wednesday, February 16, 1972. (FD-J)r |

(over)

| DATE | PROCEEDINGS |
|---------|---|
| 2-16-72 | Case tried to a jury. Deft. present and represented. Jury returns with verdict of GUILTY. Verdict ordered received, read & filed in open court. Govt. denied permission to withdraw govt. exhibit #2. Court sets bond at \$5,000 cash, but orders that before <u>any</u> bond is made, the Court reserves the right to approve it between now and the date of sentencing. Case to be set for sentence. (LB-J)hm |
| 2-16-72 | Instructions to the Jury, filed in open court. hm |
| 2-22-72 | Notice of Appeal filed. h cpy to USCA and US Atty. g |
| 2-22-72 | Motion for Judgment of Acquittal and new trial filed.h |
| 2-22-72 | Brief in support of judgment for acquittal or new trial filed.h |
| 2-23-72 | Case set for sentence & hearing on motion for judgment of acquittal & new trial Monday 3-13-72 at 9:30 a.m. (LB-J)hm |
| 3-13-72 | Deft. present and represented. Deft's motion for judgment of acquittal and new trial each overruled. Deft. & counsel asked if they have anything to say. Judgment and Sentence - Rodney Vance Henderson Adjudged that the deft. is sentenced to a period equal to the time of confinement already served on this charge, beginning 12-14-71 to this date. (LB-J)hm |
| 3-13-72 | Judgment and Commitment, filed and entered. (LB-J)hm |
| 3-13-72 | Two c/c of J&C delivered to U.S. Marshal. hm |
| 3-15-72 | Return on J&C filed. Defendant delivered on 12-14-71 to Tulsa Co. Jail, Tulsa, Okla and released on 3-13-72 as per order of J&C. ds |
| 3-16-72 | Notice of appeal from judgment of 3-13-72, filed. cpy to USCA & US Atty.g |
| 4-25-72 | Order extending time to file and docket appeal to May 29, 1972. (LB-J) rm - copies to USCA and counsel. |
| 5-30-72 | Order extending time to docket appeal to June 14, 1972, filed. (LB-J)g cpy to USCA & counsel. |
| 6-5-72 | Transcript of trial proceedings (orig. +1 and file copy), filed. g |
| 6-5-72 | Appeal record (2 vols) sent to USCA (orig. + 3 copies). g |
| 11-8-72 | Mandate & Opinion of USCA, reversing judgment of 3-13-72 and remanding for judgment of acquittal, filed and spread of record. g |
| 12-4-72 | Judgment of Acquittal filed and entered. It is ordered that the conviction in this case was overturned by the Court of Appeals and a judgment of acquittal ordered by mandate by Clerk of the Court, therefore in compliance with said mandate. (Luther Bohanon-Judge)h |
| 12-4-72 | Order Releasing Trial Exhibits filed(LB-J)h (Received by U.S.Attorney) <i>Copies to attorney</i> |

FILED
DEC 27 1971

UNITED STATES MAGISTRATE

NORTHERN

DISTRICT OF

OKLAHOMA

72-OK-39

M-146

BEFORE

JOHN H. POE, Clerk
U. S. DISTRICT COURT

Morris L. Bradford

(Name of magistrate)

U. S. Court House, Tulsa, Oklahoma

(Address)

MAGISTRATE'S
DOCKET No. 1 CASE No. 203
THE UNITED STATES
vs.

RODNEY VANCE HENDERSON

Complaint filed on Dec. 16, 1971, by J. William Buford
Official title Special Investigator, ATF, charging violation of
United States Code, Title 18, Section 922(k), on Dec. 12
19 71, at Tulsa, Oklahoma in the
division of the Northern district of Oklahoma
as follows: Did wilfully and knowingly transport in
interstate commerce from the State of Colorado to
the State of Oklahoma, a firearm, which had its
serial number removed, obliterated and altered

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date Dec. 16, 1971 Warrant/~~Summons~~ for Rodney Vance Henderson

(Name of defendant)

to (name and title of officer) U. S. Marshal or any other authorized person

Substance of return

Date _____ Warrant/Summons for _____

(Name of defendant)

to (name and title of officer) _____

Substance of return

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date Dec. 16, 1971 Arrested by J. William Buford

on warrant of Morris L. Bradford
(Name of issuing officer)

Appearances { for United States Ben F. Baker
(Name)

without warrant.
Tulsa, Oklahoma
(Address)

for accused None
(Name)

Proceedings taken Defendant appeared before the Magistrate and was advised of his

right to counsel. Defendant executed Waiver of Counsel for this hearing and re-

quested an attorney be appointed to represent him at all future proceedings. De-

fendant was advised of the charges pending against him as contained in the Complaint of his right to bail and right to a preliminary hearing. Bail was fixed at \$5,000 cash. James E. Frasier was appointed to represent defendant and Mr. Frasier was requested to advise the Magistrate if he desires a preliminary hearing.

Outcome Defendant remanded to custody of U. S. Marshal

Bail fixed December 16, 1971 Amount, \$ 5,000.00 Bonded _____, 19 _____, by cash deposited by (name) _____ Address _____ transmitted to clerk of district court _____, 19 _____ [or] by surety (name) _____ Address _____ (name) _____ Address _____, who justified by affidavit dated _____, 19 _____, [or] committed to _____ on _____, 19 _____

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date December 22, 1971 Appearances for

| | | | |
|---|---------------|-----------|-----------------------------------|
| { | United States | (Name) | <u>Ben Baker</u> |
| | | (Address) | <u>Tulsa, Oklahoma</u> |
| | Accused | (Name) | <u>James E. Frasier (Ct.App.)</u> |
| | | (Address) | <u>Tulsa, Oklahoma</u> |

WITNESSES FOR UNITED STATES: (List names and addresses)

Wm. J. Gibson, ATF, Tulsa, Oklahoma
Mickey Holloway, Tulsa, Oklahoma
Roy Heim, Tulsa, Oklahoma
William Latimer, Tulsa, Oklahoma

WITNESSES FOR ACCUSED:

(List names and addresses)

None

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
 Proceedings taken The Government and Defendant announced ready for trial.
The above named witnesses for the Government were sworn. At the conclusion
of the testimony of the above named witnesses, the Government rested.
The witnesses were cross examined by defendant's attorney. The
defendant, by and through his attorney, announced he would call no
witnesses. The Court found the Government had established probable
cause and defendant was bound over for action by the Grand Jury.

Outcome

Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
 deposited by (name) _____ Address _____
 transmitted to clerk of district court _____, 19____
 [or] by surety (names) _____ Address _____
 and _____ Address _____
 who justified by affidavit _____, 19____ Committed to _____
 on _____, 19____

Certified to be a correct transcript.

Made this 22nd day of December, 19 71

Transmitted to Clerk of United States District Court for the Northern
 district of Oklahoma, December 22, 1971

M. R. Buford

United States Magistrate.